

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I, claims 1 - 19 in the reply filed on January 18, 2008 is acknowledged. The traversal is on the ground(s) that a special technical feature exists between the groups, in that a method for making a transplantable graft from embryonic biological membranes is a special technical feature. In addition, applicant argues that there is not a serious burden to search both groups. This is not found persuasive because the method of group II does not require a transplantable graft made from embryonic biological membranes. Thus the asserted special technical feature does not exist between the groups.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1 – 20 are pending; claims 20 is withdrawn; claims 1 – 19 have been considered on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 and its dependents are drawn to a method for making a transplantable graft, however are rendered vague and indefinite for reciting “graft of an engineered” as it is unclear if a graft or tissue equivalent is being produced.

In claim 1, step b, “of main functional cells” is rendered vague and indefinite as it is not adequately defined by the claim language or specification.

In claim 2, step d, “other body membrane equivalents” is rendered vague and indefinite as it is not adequately defined by the claim language or specification.

In claim 3, step e, “any body membrane defect” is rendered vague and indefinite as it is not adequately defined by the claim language or specification.

Claims 6 and 16 fail to end with a period.

In claim 15 and 18, “traphoblast” should be spelled “trophoblast”.

In claim 17, step b, “the epithelium” and “the basement membrane” lacks sufficient antecedent basis.

In claim 17, step d, “Growing” should not be capitalized.

In claim 18, step c, “the basement membrane side and connective tissue side” lacks sufficient antecedent basis.

In claim 19, line 1, “on/in” is confusing as it is unclear if the cells being enhanced are on the membrane or in the membrane.

In claims 19, step d, “multiple factors” is rendered vague and indefinite as it is not adequately defined by the claim language or specification.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth A. Davis whose telephone number is 571-272-0915. The examiner can normally be reached on M-F 7:00 -3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Ruth A. Davis/
Primary Examiner, Art Unit 1651

April 11, 2008